HONOURABLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

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W.P.NO.26993 OF 2005

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Between:

C.B.Kapadiya, s/o (late) B.C.Kapadiya,
R/o A-15, Pragati Society, 4-1-10, Tilak Road, Hyderabad.

..... PETITIONER

AND

The Secretary to the Government of India, Ministry of Home Affairs, Freedom Fighters Pension Cell, New Delhi.

.....RESPONDENT

::JUDGMENT::

Counsel for the Petitioner : NONE

Counsel for the Respondent : GP FOR REVENUE

Dated 27..12..2005

Per G.S.Singhvi,CJ

The petition sent by Sri C.B Kapadia, Aged 78 years, S/o late B.C.Kapadia, R/o. A 15, Pragathi Society, 4-1-10, Tilak Road, Hyderabad to S.Ananda Reddy, J for issuance of a direction to the Union of India and the Government of Andhra Pradesh to pay him freedom fighters pension was treated as a writ petition in public interest.

Notice of the writ petition was given to the learned Government Pleader and he was requested to get in touch with the concerned officer and file a status report on the petitioner's claim for pension.

In response to the notice issued by the Court, Sri V.Veeresham, Deputy Secretary to Government of A.P., Revenue Department has filed an affidavit dated 26.12.2005. The same is accompanied by a number of documents including the communication

received from the Government of India declining the petitioner's prayer for grant of pension under the Swatantra Sainik Samman Pension Scheme, 1980. In the affidavit of Sri Veeresham it has also been stated that the petitioner's claim for grant of pension under the scheme framed by the State Government cannot be entertained because he did not furnish proof of having undergone imprisonment or remained underground for a period of not less than 3 months in connection with the freedom struggle. At the same time, it has been averred that as and when the petitioner furnishes evidence in support of his claim for freedom fighters pension, his case will be reviewed and appropriate decision will be taken.

We have carefully gone through the affidavit of Sri V.Veeresham and documents filed with it and are satisfied that the writ petition deserves to be disposed of with the observation that as and when the petitioner furnishes evidence showing that he fulfils the conditions prescribed by the State Government for grant of freedom fighters pension, the same will be considered by the competent authority and appropriate decision will be taken within a period of three months. Ordered accordingly.

A copy of this order be sent to Sri CB.Kapadia, R/o. A.15, Pragati Society, 4-1-10, Tilak Road, Hyderabad. He may get in touch with Sri Veeresham, Deputy Secretary to the Government of A.P, Revenue Department personally or through his authorized representative and produce evidence in support of his claim for freedom fighters pension. A photostat copy of the affidavit of Sri V.Veeresham with annexed documents be also sent to
Sri CB. Kapadia.

G.S.SINGHVI, CJ

Dt.27.12.2005

R.SUBHASH REDDY,J

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